

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RONNIE JONES, ET AL.,

Plaintiffs,

VS.

CITY OF BOSTON, ET AL.,

Defendants.

NO. 05-11832-GAO

## **JOINT MOTION TO AMEND SCHEDULING ORDER**

Plaintiffs and defendants hereby move, pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, for the court to adopt the revised, proposed discovery schedule set forth below.

## Background

1. On October 5, 2006, the parties filed the Joint Statement With A Proposed Discovery Schedule (“October 5, 2006 Joint Statement”). The October 5, 2006 Joint Statement defined the stages of discovery that the parties had discussed in two earlier Rule 16 status conferences with the Court. Specifically, the October 5, 2006 Joint Statement states: “Two Stages of Discovery. During the September 11, 2006 Status Conference, the Court recognized that discovery should be divided into two stages, with the first stage to focus on issues applicable to all of the plaintiffs’ claims and the second stage to focus on issues affecting only individual plaintiffs. Discovery concerning the plaintiffs and their damages will be deferred until after discovery concerning issues of general applicability is completed, with a schedule to be proposed at an appropriate time in the future. . .”

2. On February 7, 2007, the Court adopted the Revised, Joint Statement With a Proposed Discovery Scheduled submitted by the parties on January 18, 2007 (“January 18, 2007 Joint Statement”). The January 18, 2007 Joint Statement provided, among other things, that

Stage I fact discovery shall be responded to or otherwise completed by May 31, 2007, and all expert discovery shall be completed by August 31, 2007, unless otherwise ordered by the Court.

3. On June 5, 2007, the Court granted the parties Joint Motion to Amend The Scheduling Order. With respect to Stage I Fact Discovery, the June 5, 2007 Order required that “[a]ll Stage I Fact Discovery (as defined above and by the October 5, 2006 Joint Statement) shall be responded to or otherwise is completed by 7/13/07; Motions to compel regarding Stage I Fact Discovery shall be filed as soon as practicable, but not later than 7/20/07.”

4. Because of unforeseen circumstances, the parties need one additional week to complete Stage I Fact Discovery. Specifically, because of one deponent’s health situation and residence out of state, the parties agreed to cancel a deposition scheduled for July 10, 2007 and proceed by Deposition by Written Question under Rule 31. Also, because of another deponent’s health situation and the defendants’ counsel’s availability, the parties agreed to reschedule a deposition scheduled for July 12, 2007 to either July 25, 2007 or July 26, 2007. Therefore, the parties request that the Court enter an Order requiring the parties to complete all Stage I Fact Discovery by August 3, 2007.

5. The parties also need additional time to file motions with respect to Stage I Fact Discovery. Defendants will be filing a motion for a protective order concerning a deposition noticed for July 11, 2007. If the defendants’ motion is denied, the parties have agreed that this deponent’s deposition will be scheduled at a time convenient for the parties. In addition, after the conclusion of the depositions that have already been scheduled, the plaintiffs anticipate filing a motion to compel concerning defendants’ privilege assertions and instructions to deponents not to answer questions on the grounds of privilege. To provide adequate time to brief these and perhaps other issues, the parties request that the Court enter an Order requiring the parties to file all motions related to Stage I Fact Discovery by August 17, 2007.

#### **Proposed Amendments to Scheduling Order**

6. To provide adequate time to complete Stage I fact discovery, the parties request that the Court adopt a revised discovery schedule providing that all Stage I Fact Discovery shall

be responded to or otherwise completed by **August 3, 2007**. Motions related to Stage I Fact Discovery shall be filed as soon as practicable, but not later than **August 17, 2007**. All other requirements with respect to discovery as set forth in the parties May 31, 2007 Joint Motion to Amend The Scheduling Order (and the Court's June 5, 2007 Order concerning the May 31, 2007 Joint Motion to Amend The Scheduling Order) shall continue to be in effect.

WHEREFORE --- the parties request that court adopt a revised discovery schedule that provides as follows:

- 1) All Stage I Fact Discovery (as defined above and by the October 5, 2006 Joint Statement) shall be responded to or otherwise completed by **August 3, 2007**.
- 2) Motions to compel regarding Stage I Fact Discovery shall be filed as soon as practicable, but not later than **August 17, 2007**.

Respectfully submitted,

**Plaintiffs, Ronnie Jones, Richard Beckers, Walter Washington, William Earl Bridgeforth, Shawn N. Harris, Eugene Wade George C. Downing, Jr., Clararise Bristow, Rachelle Couch, Keri Hogan, and the Massachusetts Association of Minority Law Enforcement Officers,**

By their attorneys,

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Dated: July 12, 2007